

REGULAR COUNCIL MEETING APRIL 9, 2018 7:00 P.M.

The meeting was opened by announcing this was an open meeting of the Common Council. Notice of this meeting was given to the public at least 24 hours in advance of the meeting by forwarding the complete agenda to the official City newspaper, The New Richmond News, and to all news media who have requested the same as well as posting. Copies of the complete agenda were available for inspection at the City Clerk's office and on the City's website at www.newrichmondwi.gov. Anyone desiring information as to forthcoming meetings should contact the City Clerk's office.

Roll call was taken.

Members Present: Mayor Fred Horne, Alderman Kittel, Ard, Jackson, Montello, and Volkert

Members Absent: Alderman Zajkowski

The Pledge of Allegiance was recited.

Alderman Ard moved to adopt the agenda as presented, seconded by Alderman Kittel and carried.

Public Comment

Consent Agenda

1. Approval of the Minutes from the Previous Regular Council Meeting, March 12, 2018, and Special Council Meetings, March 22 & 26, 2018
2. Applications for License to Serve from Richard B. Salsbury, Osceola
3. Application for a Run/Walk Permit for the Willow River Run on July 12, 2018 at 7:00 p.m.
4. Application for Run/Walk Permit for the K9 Classic on May 12, 2018 at 9:30 a.m.
5. Application for Amplification Device Permit and Exemption from Section 50-87 Loud & Unnecessary Noise for the Relay For Life event June 8-9, 2018
6. Payment of VO#61866 through VO#61965 totaling \$217,433.50 plus electronic fund transfers totaling \$946,590.16 for a grand total of \$1,164,023.66

General Fund	\$821,829.22
Impact Fees Fund	20,174.00
Cemetery Fund	1,693.90
CDBG – Housing	155.00
Debt Service Fund	284,117.96
Capital Projects	19,821.77
Landfill Cleanup Fund	5,964.91
Storm Water Utility	9,703.01
Park land Trust Fund	563.89

Alderman Ard moved to approve the consent agenda as presented, seconded by Alderman Jackson and carried.

Department Reports

Administration – Noah Wiedenfeld stated banners will be going up along Knowles Avenue this month in preparation for the Loyalty Day Parade on April 28, 2018. Staff will be traveling to Wausau tomorrow to present to the Wisconsin Waterways Commission regarding the Mary Park boat launch. The quarterly newsletter will be sent out soon. Congratulations to Alli Preece, our student representative on Council, for being recognized as the top female scholar-athlete for New Richmond High School.

Finance – Rae Ann Ailts stated the audit fieldwork was completed on March 23, 2018. Audit financials will be published in June. Electric and Water PSC reports have been filed and are available on the website.

Community Development - Beth Thompson explained the Comprehensive Plan was presented to 10 groups and there is a display in the back of the Council Chambers for the Month of April for public comment.

Public Works – Jeremiah Wendt stated there was an open house for Freedom Park on March 28, 2018.

Spring brush pickup will be in late April or early May and the compost site will open at the same time. A

new program was introduced for adopt a garden, in which residents are invited to help take care of flower gardens around the City. The Park Board approved their first application for Josi Wendt at their last meeting. The Public Works Department has been removing Ash trees and other dead and diseased trees from road rights-of-way. The trees are hauled to the compost site and a company comes to grind them into pellets to be used for electric energy in St. Paul.

Library – Katie Marsh reported that National Library Week is April 8-14, 2018. There will be raffles every day and an open house tomorrow from 1-3 p.m. for customers to meet Katie. There is also a coloring contest sponsored by Culvers. Fee replacement cards will be given this week and the Library will be rolling out reduced overdue fines.

Police – Craig Yehlik stated he donated a “Lunch with the Chief” to the All-Pro Dads at Starr Elementary. The winner was Cedric, a 5th grader. Craig will be teaching a civilian response to active shooter class on April 16, 2018, at 3:00 p.m. and 7:00 p.m. that is free to anyone 18 years or older. Burger night at Champ’s will be on April 24, 2018, from 4:00 to 8:00 p.m. to benefit the NRPD and St. Croix County K-9 associations.

Fire – Mayor Horne reported that six firefighters completed the EMR course. There were 14 incidents in March; 7 of them were city and 7 were rural. Occupancy/fire inspections have begun. The annual Chili Feed will be on April 14, 2018, 4:00 to 8:00 p.m. at the Fire Hall.

Airport – Mike Demulling stated that over 40,000 square feet of hangar space will be built this year. It has been a tough month for snow removal with equipment break downs.

City Clerk - Tanya Batchelor stated the Spring Election was on April 3, 2018, and we had 888 voters. There was a tie for County Board Supervisor District 13 between Scottie Ard and Ryan Sherley. Both received 213 votes. The County completed their canvas of the election today and a recount will be held on Wednesday, April 11, 2018 at 9:00 a.m.

Ceremonial Swearing in of Officer Nick Lubow

Mayor Horne swore in Officer Nick Lubow as Police Officer.

Denial of Application for License to Serve for Maryah Mara

Alderman Kittel moved to table this item until the April 23, 2018, work session, seconded by Alderman Ard and carried.

Public Hearing for Sidewalk Assessments

Joel Enders explained the process for sidewalk assessments. Mayor Horne declared the Public Hearing open to discuss the sidewalk assessments. Clark Harper had several questions regarding the sidewalk assessment amount for his property. The Public Hearing was declared closed. Alderman Kittel offered the following resolution and moved for its adoption:

RESOLUTION #041801 FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY IN NEW RICHMOND, WISCONSIN

WHEREAS, the governing body of New Richmond, Wisconsin, held a public hearing at the Council Chambers of the New Richmond Civic Center at 7 p.m. on the day of April 9, 2018, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the City Engineer on the proposed public improvements consisting of sidewalk replacement and preliminary assessments against benefitted property, and heard all persons who desired to speak at the hearing;

NOW, THEREFORE, BE IT RESOLVED, the governing body of New Richmond, Wisconsin, determines as follows:

1. The report of the City Engineer (as modified), a copy of which is attached hereto and incorporated here as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.
2. The City Engineer shall supervise construction of the improvements in accordance with the report hereby adopted (as modified).

3. Payment for the improvements shall be made by assessing 50% of the cost of sidewalk replacement to the property benefitted as indicated in the report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis, and are hereby confirmed.
5. Assessments shall be due within 45 days of billing date. Assessments may be paid in one lump sum to the municipal clerk, or the property owner may choose to have the bill placed upon tax roll as a special tax against said lot or parcel to be repaid over 5 years at an annual interest rate of six percent. Installments shall automatically be placed on the next tax roll after the due date for collection.
6. Property owners have the option of making repairs and replacements to existing sidewalks themselves rather than by City staff, but must (1) give notice to the City by May 1, 2018, and (2) obtain a permit and construct the sidewalk according to required specifications, as described in Section 70-3 of the New Richmond Code of Ordinances, by June 1, 2018.
7. The municipal clerk shall publish this resolution as a class 1 notice under ch. 985, Wis. Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefitted property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Motion was seconded by Alderman Montello and carried.

Public Hearing for Alley Assessments

Joel Enders explained the alley assessments. Mayor Horne declared the Public Hearing open. Discussion followed. Rick Martie and Phil Connolly asked questions about the alley assessments. Mayor Horne declared the Public Hearing closed. Alderman Ard offered the following resolution and moved for its adoption:

RESOLUTION #041802 FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSEMENTS AGAINST BENEFITTED PROPERTY IN NEW RICHMOND, WISCONSIN

WHEREAS, the governing body of New Richmond, Wisconsin, held a public hearing at the Council Chambers of the New Richmond Civic Center at 7 p.m. on the day of April 9, 2018, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the City Engineer on the proposed public improvements consisting of alleyway replacement/reconstruction and preliminary assessments against benefitted property, and heard all persons who desired to speak at the hearing;

NOW, THEREFORE, BE IT RESOLVED, the governing body of New Richmond, Wisconsin, determines as follows:

1. The report of the City Engineer (as modified), a copy of which is attached hereto and incorporated here as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.
2. The City Engineer shall supervise construction of the improvements in accordance with the report hereby adopted (as modified).
3. Payment for the improvements shall be made by assessing 50% of the cost associated with asphalt paving to the property benefitted as indicated in the report. Subgrade, curb, site restoration, and all other project costs shall be borne by the City.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis, and are hereby confirmed.
5. Assessments shall be due within 45 days of billing date. Assessments may be paid in one lump sum to the municipal clerk, or the property owner may choose to have the bill placed upon tax roll as a special tax against said lot or parcel to be repaid over 5 years at an annual interest rate of six percent. Installments shall automatically be

placed on the next tax roll after the due date for collection.

6. The municipal clerk shall publish this resolution as a class 1 notice under ch. 985, Wis. Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefitted property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Motion was seconded by Alderman Jackson and carried.

Resolution #040103 Proclamation for Municipal Treasurers Appreciation Week

Rae Ann Ailts explained Municipal Treasurer's Appreciation Week is April 14-21, 2018. Bev Langenback has been the City Treasurer since 2012 and prior to that she was Deputy Treasurer for over 23 years.

Alderman Ard offered the following resolution and moved for its adoption:

RESOLUTION #041803

Proclamation

Municipal Treasurers Appreciation Week

April 15 - 21, 2018

Whereas, the office of the municipal treasurer is a time honored and vital part of local government that impacts the day to day life of citizens throughout the state; and

Whereas, the municipal treasurers provide the necessary financial information to governing bodies and agencies at the local, county, and state levels; and

Whereas, the municipal treasurers administer the procedures and keep the financial records that allow governing bodies to carry out its public function efficiently and confidently; and

Whereas, all municipal treasurers are the official custodians responsible for proper management and investment of public funds; and

Whereas, the 1853 municipal treasurers and the 72 county treasurers work together to collect all property taxes for their own municipalities and counties as well as their local schools, technical colleges, and the State; and

Whereas, municipal treasurers continually strive to improve the administration of the responsibilities of the office of the municipal treasurer through participation in education programs, seminars, workshops, and conferences across Wisconsin; and

Whereas, Governor Scott Walker signed a proclamation on February 7, 2018 declaring April 15 – 21, 2018 as Municipal Treasurers Appreciation Week in Wisconsin.

Now, Therefore, I, Fred Horne, Mayor of the City of New Richmond, do hereby recognize the week of April 15 through April 21, 2018, as Municipal Treasurers Week, and further extend appreciation to our Municipal Treasurer Beverly Langenback and to all Municipal Treasurers for the vital services they perform and their exemplary dedication to the communities they represent.

Motion was seconded by Alderman Kittel and carried.

Authorization to Bid 2018 Street & Utility Projects

Jeremiah Wendt explained the request to bid the following projects:

- 1) Reconstruct 125th Street from 280 feet south of Circle Pine Drive to West Eight Street in partnership with Richmond Township
- 2) Modify stormwater pond west of the intersection of Madison Avenue and Wisconsin Drive
- 3) Reconstruct East Fourth Street from Park Avenue to Rounds Avenue
- 4) Construct Phase I of the multi-phase approach providing trails parallel to CTH A from West Richmond Way to West Fourth Street, and parallel to West Eighth Street from CTH A to Dakota Avenue
- 5) Construct a nature trail along the Paperjack Creek from 125th Street to the Rail Bridge Trail

Alderman Ard moved to authorize bids for the 2018 Street & Utility Projects, seconded by Alderman Jackson and carried.

Public Works Equipment Auction/Procurement

Jeremiah Wendt explained that staff has reviewed existing equipment inventory and identified opportunities for improvement and greater efficiency. The following items have been identified as surplus:

<u>ITEM</u>	<u>VALUE</u>
1) 1979 John Deere 401-C	\$ 6,000
2) 2010 John Deere 3320	\$24,000
3) 2009 John Deere 1445 w/broom & mower deck	\$12,000
4) John Deere Angle Broom	\$ 4,000
5) John Deere Wing Mower	\$ 2,000
6) Erskine Snow Blower	\$ 1,000
7) 3-Point Back Blade	<u>\$ 1,000</u>
TOTAL	<u>\$50,000</u>

These items would be sold through the WI Surplus Auction website. Proceeds from the sale would offset and their functionality replaced by the purchase of a Bobcat Toolcat 5610 with a snow blower and angle broom attachment. Discussion followed. Alderman Ard moved to table this item for feedback from the Public Works Committee, seconded by Alderman Jackson and carried.

DQ Garage Bids

Jeremiah Wendt stated that no bids were received for the DQ garage. The City could allow the fire department to use the garage for training purposes this spring. Discussion followed. No action was taken at this time.

Plan Commission Recommendations

Beth Thompson explained the Plan Commission held a Public Hearing to discuss amending Chapter 109, Article 3 Shoreland Wetland Zoning of the City Code. We received comments back from the DNR regarding the Shoreland Wetland ordinance amendment from 2015. They recommended the following minor changes:

- 1) Add additional statutory authorization references
- 2) Add a severability clause
- 3) Remove a provision related to non-conforming structures that have been repealed from Statute
- 4) Add a section reference to the criteria for conditional use permit applications

Alderman Montello moved to suspend the rules and adopt Ordinance #513 Amending Chapter 109, Article 3 Shoreland Wetland Zoning, seconded by Alderman Kittel and carried.

Beth Thompson explained the Certified Survey Map from Creative Homes. The CSM area was platted as an outlot, but was shown on the preliminary plat as three lots. The lots comply with the comprehensive plan and City ordinances. The Development Review Committee and Plan Commission recommended approval of the Certified Survey Map of Outlot 7, Rich River Trails subject to the following conditions:

1. Lots 63-65 shall be subject to the minimum lot width and setback requirements as set forth by the Rich River Trails PUD Development Stage Plan.
2. The developer shall plant shade trees along the south side of Rich River Way at 40 feet on center from 140th Street to Outlot B; shrubs as required by Table 15 of the Zoning Ordinance shall also be planted within the front yard of each lot as part of each house construction.
3. Park dedication requirements shall be satisfied as a cash fee in lieu of land paid as an impact fee at the time the building permit is issued.
4. All utility issues are subject to review and approval of the Public Works Director.
5. All grading, drainage, and erosion control issues are subject to review and approval of the Public Works Director.

Alderman Montello moved to approve the CSM with the conditions listed, seconded by Alderman Jackson and carried.

Comprehensive Plan – Public Participation

Beth Thompson stated that approval of the Public Participation Plan is one of the requirements for the Comprehensive Plan. Most of the dates are already covered and some are in April and May. Alderman Ard

moved to approve the Public Participation Plan for the Comprehensive Plan, seconded by Alderman Kittel and carried.

Arbor Day Resolution

Noah Wiedenfeld explained that Mike Mroz is planning an Arbor Day event on Tuesday, April 24, 2018 from 10:30 to 11:30 a.m. at Cyclone Park. Alderman Kittel offered the following resolution and moved for its adoption:

RESOLUTION #041804

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource that provides paper, wood for construction, fuel for fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, National Arbor Day is recognized on the last Friday in April but is observed by states on different dates throughout the year based on best tree planting times in their area; and

WHEREAS, the City of New Richmond will demonstrate planting techniques and plant bare root trees with students from New Richmond High School in Cyclone Park on April 24, 2018 in celebration of Arbor Day.

NOW, THEREFORE, BE IT RESOLVED, that April 24, 2018 be proclaimed as Arbor Day in the City of New Richmond.

Motion was seconded by Alderman Ard and carried.

Resolution #041805

Noah Wiedenfeld requested permission to apply for a grant from the WI DNR for a trail from the Nature Center to Doar Prairie Restoration area. Alderman Montello offered the following resolution and moved for its adoption:

RESOLUTION #041805

AUTHORIZING RESOLUTION TO APPLY FOR FINANCIAL AID FROM THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES FOR THE NATURE CENTER RECREATIONAL TRAIL

WHEREAS, the City of New Richmond is interested in developing a public outdoor recreational trail that would connect the Nature Center to the Doar Prairie Restoration; and

WHEREAS, financial aid is required to carry out the project;

WHEREAS, payment of grant funds is on a reimbursement basis;

THEREFORE, BE IT RESOLVED, that the City of New Richmond will provide matching funds equal to or greater than the amount of the grant award and

HEREBY AUTHORIZES Jeremiah Wendt, Director of Public Works, to act on behalf of the City of New Richmond to: Submit an application to the state of Wisconsin Department of Natural Resources for any financial aid that may be available; submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date; submit signed documents; and take necessary action to undertake, direct, and complete the approved project.

BE IT FURTHER RESOLVED that the City of New Richmond will comply with state or federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting, and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Motion was seconded by Alderman Kittel and carried.

Draft RFP for Compensation Study

Staff requested permission to draft a request for proposals for a salary and benefit study for all City employees. The proposed timeline is to publish and distribute the RFP April 10, 2018. Submissions would be due April 30, 2018. Staff would interview consultants the week of May 7, 2018 and the Council would approve the contract on May 14, 2018 and a completion date would be set for August 31, 2018. Alderman Montello moved to proceed with an RFP for compensation study, seconded by Alderman Jackson and carried.

Fire Department Capital Equipment Request - UTV

Noah Wiedenfeld explained the Fire Department identified a need to be able to provide off-road rescue operations. Cedar Lake Speedway has offered to donate \$9,000 plus racing fire suits, extinguishers & emergency lighting toward a new off-road vehicle. The Fire Department received reimbursement from the DNR for \$9,105 for a purchase in late 2017 for wildland fire personal protective equipment. Alderman Kittel moved to table this issue. Motion failed due to lack of a second. Considerable discussion followed. Alderman Ard moved to approve the use of DNR reimbursement funds, Cedar Lake Speedway donations, and proceeds from the 2018 chili feed fundraiser towards the purchase of the UTV, trailer, fire/rescue skid and accessories, seconded by Alderman Jackson and carried.

No-Fault Sanitary Sewer Backup Policy

Joel Enders explained sewer backups occurred along East Fourth Street on Thanksgiving Day in 2017. No definitive cause was found. Neither homeowner insurance nor City insurance covered the damages. The City was not legally liable, but no guiding policy was in place. The proposed policy is half of a two-part response to the 2017 sewer backups. An educational insert will be sent with Utility bills and on the New Richmond Utilities website. It is the resident's responsibility to protect against losses caused by sewer backups. Sewer lateral maintenance responsibilities include lateral in the right-of-way. We will educate the public as to the Utility's limitation of liability. The policy states the responsibilities of the property owner and the Utility. It also emphasizes the City's "No Fault" legal position in line with Wisconsin Statutes. It also provides a method for voluntarily assisting homeowners in the event the backup is caused by a condition in the main and property owner insurance does not cover damages. Discussion followed.

Alderman Montello offered the following resolution and moved for its adoption:

RESOLUTION #041806

**A RESOLUTION ESTABLISHING A NO-FAULT SANITARY SEWER BACKUP DAMAGE
REIMBURSEMENT POLICY**

WHEREAS, New Richmond Utilities has determined that it is necessary to increase citizen awareness of wastewater collection systems and their responsibilities relative to maintenance and protection against potential property damage from sewer backups, and

WHEREAS, New Richmond Utilities is responsible for maintaining sewer mains, manholes, pump stations and force mains that are in public rights-of-way and on public property, and

WHEREAS, New Richmond Utilities expends significant resources, through an extensive preventive maintenance program, to keep the sewer system in a good state of repair. Occasionally, however, forces of nature or conditions develop within the system that may cause sewage to back up into a residence or business which are beyond the Utility's control, and

WHEREAS, New Richmond Utilities desires to reduce health hazards by encouraging property owners who have experienced a sewer backup to get it appropriately cleaned up as quickly as possible, and

WHEREAS, New Richmond Utilities desires to provide a method for assisting homeowners with the financial burden of a sewer backup even when the Utility is not legally liable for the resulting damage.

NOW THEREFORE, BE IT RESOLVED by the Utility Commission of New Richmond that the Utility may reimburse sanitary sewer customers as set forth in the Utility's No-Fault Sanitary Sewer Backup Damage Reimbursement Policy.

Motion was seconded by Alderman Jackson and carried. Alderman Kittel voted no.

Regular Council Meeting April 17, 2018 and Work Session on April 23, 2018

Communications and Miscellaneous

The Loyalty Day Parade will be on April 28, 2018. The Fire Department Chili Feed is on April 14, 2018. The Business community still has time to enter the Loyalty Day window display competition.

Alderman Ard moved adjourn the meeting, seconded by Alderman Jackson, and carried.

Meeting adjourned at 8:25 p.m.

Tanya Batchelor
City Clerk